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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/734,808
Filing Date: December 12, 2000
Appellant(s): RAMSEY CATAN, CAROLYN

MAILED
DEC 12 2005
GROUP 1700

William A. Munck
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7-15-05 appealing from the Office action
mailed 1-11-05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

5845260	NAKANO ET AL	12-1998
4,837,422	DETHLOFF ET AL	6-1989
5,721,583	HARADA ET AL	2-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al in view of Dethloff et al and Harada et al.

Nakano et al discloses a method of purchasing where an account authorization device includes a consumer electronics device in the home and a device for locally

controlling access to an account. A processor (or profile maker) stores in a memory (as profile information) account information for an account holder (col 7, lines 25-36), assigned sub-credit limits (or access levels) to each authorized user (col 3, lines 21-28), and authorization information for authorized users of the account (col 3, lines 10-20). The profile for each user is considered parental control information; the profile information further indicates the types of services (and goods since there is disclosed on-line shopping) the authorized users are permitted to purchase through the account (col 7, lines 39-41).

The processor sends the account holder information over the communication link only if the match is detected compares received identification information (indicating a desire to make a transaction) with stored identification information and finds an associated sub-credit limit corresponding to the received identification information (col 3, lines 21-28), to enable a purchase over a communications link (fig 3) to charge up to the maximum of the sub-credit limit. There is disclosed a set-top box (3) and a television (4).

Nakano et al does not disclose:

bio-authentication information as the identification information, where further the bio-authentication information is a voice sensor;

a local storage device for the memory further where the memory is part of the consumer electronics device; and,

bio-authentication device that is a fingerprint sensor further where the sensor is on the remote control.

Dethloff et al discloses bio-authentication information as the identification information further as a voice sensor (col 11, lines 25-30), a local storage device for the memory further where the memory is part of the consumer electronics device (col 11, lines 2-24), sending account holder information over the communication link, a match detected and determining a sub-credit limit that is not exceeded (col 13, lines 67-68; col 14, lines 1-8).

It would have been obvious to one with ordinary skill in the art to include bio-authentication information as the identification information further as a voice sensor because Harada et al teaches such for privacy purposes (col 3, lines 10-12) and non-eligible user participation (col 3, lines 40-42).

It would have been obvious to one with ordinary skill in the art to include a local storage device for memory and further where the memory is part of the consumer electronics device because Harada et al teaches multiple user information at the consumer electronics device for relational identification (col 17, lines 64-67).

It would have been obvious to one with ordinary skill in the art to include sending account holder information over the communication link only if the match is detected and determining a sub-credit limit that is not exceeded from Dethloff et al because Harada et al teaches local determination of user as important because personal information must be controlled (col 3, lines 8-9) and since Nakano teaches credit sub-limits which is a type of personal information.

Harada et al discloses bio-authentication information as the identification information where bio-authentication device provides the bio-authentication information that is a fingerprint (col 7, lines 19-23) further where the sensor is on the remote control (col 7, lines 14-18).

It would have been obvious to one with ordinary skill in the art to include to Nakano et al bio-authentication information as the identification information because Harada et al teaches selectively controlling access (i.e. adults and children; col 4, lines 42-60).

It would have been obvious to one with ordinary skill in the art to include to Nakano et al a bio-authentication device for providing the bio-authentication information as fingerprint sensor because Dethloff et al teaches bio-authentication and Nakano et al teaches controlled access.

(10) Response to Argument

The reasons for combining the references appear to be specific and therefore fulfill determining a *prima facie* case for obviousness.

Regarding Dethloff, the reference is utilized for the specific limitations described in the rejection of record.

Appellant's specification does not set forth a specific definition with meets and bounds as to what is "personal information". The term is understood to mean any information unique and of a personal nature. As broadly defined, this is met with a disclosure of credit-limits.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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